IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 14744 of 2006(E)

AGAINST THE ORDER IN EP.23/04 IN
OS.292/1998 of ADDL.MUNSIFF COURT,NEDUMANGAD

.....

PETITIONER:

M.VIJAYAKUMAR, NAKKARA VEEDU,
KUZHAKKAD, POOVACHAL P.O.,
THIRUVANANTHAPURAM-695 575.

BY ADV. SRI.B.RAGUNATHAN
SRI.G.S.MOHANDAS
SMT.P.RETNAKUMARI

RESPONDENTS:

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1. STATE BANK OF TRAVANCORE REPRESENTED
BY GENERAL MANAGER, STATE BANK OF TRAVANCORE,
STATUE, THIRUVANANTHAPURAM-695 001.

2. BRANCH MANAGER, STATE BANK OF TRAVANCORE
POOVACHAL BRANCH, THIRUVANANTHAPURAM-695 575.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 14744 OF 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF JUDGMENT DT.20.06.05 IN WP(C) NO.1703 OF 2005-C.

EXT.P2 : TRUE COPY OF ORDER DT.12.01.05 IN EP NO.23/04 IN OS NO.292/98 OF THE ADDITIONAL MUNSIFF'S COURT, NEDUMANGAD.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 14744 OF 2006

Dated this the 13th day of July, 2007

JUDGMENT

Judgment debtor is the petitioner in this writ petition under Article 227. While admitting this Writ Petition, this court became inclined to grant stay only on condition that the petitioner deposits a sum of Rs.30,000/- within two months from 07.06.01. It is submitted that the above condition has been promptly complied with by the petitioner. Though several prayers have been made in the writ petition, essentially what the petitioner seeks is benefit of one time settlement in the matter of liquidating the liability. Even though several opportunities were given to the petitioner under Ext.P1, the petitioner did not avail those opportunities. This was why Ext.P2 order directing the petitioner's arrest and detention was issued by the learned Munsiff. It is submitted on behalf of the decree holder Bank, that the Bank is not very enthusiastic in sending the petitioner to jail and is interested only in recovering the amount due to them. Having regard to the rival submissions, I am of the view that the writ petition can be disposed of issuing the following directions:

The petitioner is directed to file a representation before the 2nd respondent Bank within three weeks from today. If the 2nd respondent

receives such a representation within three weeks from the petitioner, the 2nd respondent will consider the same and forward the same to his superior authority in the Bank so that a decision will be taken by the Bank with as much sympathy as the representation deserves, at the earliest and at any rate within one month of receiving a copy of this judgment. It is clarified that the total payment made by the petitioner so far inclusive of the payment in the interim order is only Rs.40,000/- . It is made further clear that if the issue is not finally settled between the parties within six months from today, the impugned order will revive.

PIUS C. KURIAKOSE, JUDGE

btt